

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant(s): M. MELZIG et al  
Serial No.: 09/819,705  
Filed: March 29, 2001  
For: PHOTOCROMIC COMPOUNDS  
Group: 1624  
Examiner: D. RAO

**REQUEST FOR RECONSIDERATION**

Commissioner For Patents  
POB 1450  
Alexandria, VA 22313-1450

January 10, 2005

Sir:

This is in response to the Office Action dated September 10, 2004.

Claim 5 stands rejected under 35 USC §112, first paragraph. In support of this rejection, it is been urged by the Examiner that the claimed method does not include allegedly essential starting compounds or reagents and, therefore, that the claim is not supported by an enabling disclosure. Claim 5 also stands rejected under 35 USC §112, second paragraph, the Examiner alleging the claim to not set forth the starting compounds and/or reagents required for the process in a clear and concise manner. Applicants traverse these rejections and request reconsideration thereof.

The Examiner appears to be confusing the breadth of the claim, on one hand, with the requirements for enablement and definiteness, on the other hand. As noted in the Manual of Patent Examining Procedure (MPEP), §2164.08: